

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Community Development–The Center for Affordable Housing: Lisa Merlin House**DEPARTMENT:** Planning & Development **DIVISION:** Community Resources**AUTHORIZED BY:** Donald Fisher **CONTACT:** Lori Solitro **EXT.** 7370**Agenda Date** 08/12/03 **Regular** ☐ **Consent** ☒ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐**MOTION/RECOMMENDATION:**

Approve Community Development funding for Center for Affordable Housing, Inc.: Lisa Merlin House, Inc. activity contingent upon the applicant being granted a special exception from the Board of Adjustment, at such time the contract would be brought back to the Board for execution.

(District 3: Van Der Weide)

BACKGROUND:

The County's adopted Consolidated Plan, approved by the Board and the Department of Housing and Urban Development (HUD), identifies strategies to meet the goal of providing safe and decent housing for income eligible and special needs individuals and families. The County's adopted Consolidated Plan identifies special needs and disabled groups as a priority need which are underserved. In the past, funds were directed to large developments for rental housing that were not able to serve families with special needs.

A project has been proposed for consideration which would assist in serving some of the County's special housing needs and to implement the Consolidated Plan. The proposed activity was received by the County from the Center for Affordable Housing, Inc., working in partnership with Lisa Merlin House, Inc. Funds will be awarded to the Center for Affordable Housing that will own the property and lease it to Lisa Merlin House, Inc. Funds will be awarded in the form of a deferred payment loan forgivable over a 15 year period and with an appropriate security agreement (per HOME/SHIP rules and regulations).

The Lisa Merlin House, Inc. provides transitional living facility providing long term residential treatment to homeless women

Reviewed by:
Co Atty: KCC
DFS: _____
Other: 4
DCM: SS
CM: MB

File No. cpdc02

(age16+) recovering from alcohol and substance addiction, along with physical, emotional and sexual abuse.

The facility will provide housing to women with children requiring supportive services in a supervised environment. The project will serve up to 12 clients. This will be the first facility in Seminole County to provide this kind of program.

The current proposal is for a property located at 1131 West Lake Brantley Road, Altamonte Springs, Florida 32714. The property consists of a single-story, 2640 square-foot concrete block/brick building situated on a rectangular, 22,750 square-foot parcel. There is an existing approved Development Order for an Assisted Living Facility (ALF) on the parcel; however, the use, as proposed would require a special exception from the Board of Adjustment. A special exception is required due to the conditions of the existing Development Order for the approved ALF, which is attached for the Board's Review.

HOME/SHIP funds requested by the sub-recipient include up to \$515,000 to be used for costs associated with the "acquisition and rehabilitation of an existing facility." Funds contingent upon being leveraged with this activity include the Continuum of Care/Supportive Housing Program through HUD in the amount of \$333,334 for operations and \$31,500 from the Orlando Magic Youth Fund.

STAFF RECOMMENDATION:

Staff recommends approval of requested funds contingent upon granting of a special exception from the Board of Adjustment and would bring a contract back to the Board of County Commissioners if the special exception is granted.

Attachments:

Letter of Request

Copy of Existing Development Order for Property



07-16-03A09:27 RCVD

THE CENTER FOR AFFORDABLE HOUSING, INC.

2524 Park Drive, Sanford, FL 32773

407-323-3268 / Fax 407-323-3800

E-Mail: tcfah@bellsouth.net

July 15, 2003

Diane Ledford, Housing Manager
Community Development Office
Planning and Development Department
1101 East First Street
Sanford, Florida 32771-1468

Re: Development Proposal
Lisa Merlin House/Center for Affordable Housing

Dear Ms. Ledford:

We have previously submitted documentation in support of our request for funding of a project to provide transitional housing to women with children requiring supportive services in a supervised environment.

The project is to be implemented by a new partnership with Lisa Merlin House, Inc., which will operate the proposed facility to be owned by the Center for Affordable Housing. Lisa Merlin House has operated a highly regarded residential treatment facility for the past nine years and serves residents from all of Central Florida.

A three year HUD grant of \$333,334 has been awarded to this project through the Continuum of Care/Supportive Housing Program to cover operational costs. A grant of \$31,500 has also been received from the Orlando Magic Youth Fund. This would be the first facility of its kind in Seminole County.

The request for funds is based on the following:

| | |
|---|-----------|
| Acquisition of 1131 W. Lk. Brantley Rd..... | \$454,950 |
| Estimated cost of rehabilitation..... | 28,000 |
| Developer fee (@5.6%)..... | 27,000 |
| | <hr/> |
| | \$509,950 |



Because of time constraints on the implementation of this project, the approval process and contract preparation should be given priority by your office. We will assist with any support that will expedite this process.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "William F. Newman".

William F. Newman, Program Director

A handwritten signature in cursive script, appearing to read "Lisa Merlin".

Lisa Merlin, Co-Founder/Director

(Amended)

SEMINOLE COUNTY DEVELOPMENT ORDER

On Nov. 29, 2000, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 4, Bonaventure Heights, Plat Book 14, Page 91, Public Records of Seminole County

[The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.]

FINDINGS OF FACT

Property Owner: Wilfredo and Antonietta Llanes

Project Name: All Seasons Assisted Living Facility, Inc. Formerly known as The Family Living Center Adult Living Facility, (ALF)

Requested Development Approval: Amend Development Order # 98-141 by eliminating the ALF use on Lot 5, Bonaventure Heights, PB 14, pg. 91 and to reiterate the conditions of approval for the remaining ALF on Lot 4, Bonaventure Heights, PB 14, pg 91.

The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared By: Ginny Markley
1101 E. First Street
Sanford, FL 32771

L:\lm\projedts\boa\00\Llanes do hesse alf.doc

BK 0 2 6 9 PG 0 2 0 8

MARYANNE MORSE
CLERK OF CIRCUIT COURT

622137

SEMINOLE COUNTY, FL
RECORDED & VERIFIED

2000 DEC -4 AM 8:05

OFFICIAL RECORDS
BOOK PAGE

8965 0390

SEMINOLE CO. FL

RETURN TO SANDY MCCANN

3965 0391

(Amended) Seminole County D.O. # 98-141-A

SEMINOLE CO., FL

Order

NOW, THEREFORE, it is ORDERED AND AGREED THAT:

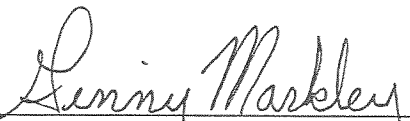
- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a) The use of the ALF on Lot # 5 has been discontinued for over 180 days, therefore, the use of the property has reverted to the permitted uses in the zoning district in which said land is located.
 - b) The ALF on Lot # 4 shall have a maximum of thirteen (13) residents.
 - c) No expansion to the size of the remaining ALF (located on Lot # 4) without approval of a Special Exception granted by the Seminole County Board of Adjustment.
 - d) Compliance with all applicable Federal and State Laws relative to ALF's.
 - e) The ALF shall continue to have the appearance of a single-family residence in order to protect the character of the area.
 - f) The ALF shall be used to accommodate elderly citizens and not individuals with mental disorders, or substance or alcohol abuse problems.
 - g) The following conditions in effect on the ALF approval relating to Lot 4 shall continue in full force and effect:
 - (1) Provide a total of seven parking spaces.
 - (2) The ALF shall be owner occupied.

SEMINOLE CO., FL

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first above.

By: 
Ginny Markley,
Principal Zoning Coordinator

Date: November 29, 2000

OWNER'S CONSENT AND COVENANT

COMES NOW, Antonieta Llanes the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Brenda H. Lowe
Witness

Print Name Brenda H. Lowe

Frank Christie
Witness

Print Name FRANK-CHRISTIE

Antonieta Llanes
Antonieta Llanes, Owner

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Antonieta Llanes who is personally known to me or who has produced FLA D.L. 520-008-58-713-01 as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29TH day of Nov, 2000.



Patricia A. Crampton
MY COMMISSION # CC850415 EXPIRES
September 19, 2003
BONDED THRU TROY FAIR INSURANCE, INC.

Patricia A. Crampton
Notary Public, in and for the County
and State Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, Wilfredo Llanes the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Brenda H. Lowe
 Witness

Print Name Brenda H. Lowe

Frank T. Christie
 Witness

Print Name FRANK T. CHRISTIE

Wilfredo Llanes
 Wilfredo Llanes, Owner

STATE OF FLORIDA)
)
 COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Wilfredo Llanes who is personally known to me or who has produced FLA D.L.L 520-848-5031 as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of Nov, 2000.

Patricia A. Crampton

Notary Public, in and for the County
 and State Aforementioned

My Commission Expires:



Patricia A. Crampton
 MY COMMISSION # CC850415 EXPIRES
 September 19, 2003
 BONDED THRU TROY FAIN INSURANCE, INC.

3965 0394
 SEMINOLE CO. FL
 OFFICIAL RECORDS
 BOOK
 PAGE

214187

1998 JUN -8 PM 12:06

FILE # BA95-2-25E

DEVELOPMENT ORDER # 98-141

SEMINOLE COUNTY DEVELOPMENT
ORDER

On February 24, 1998, 1998, Seminole County, a political subdivision of the State of Florida operating under a Home Rule Charter, issued this Development Order pursuant to the provisions of Chapter 20, Land Development Code of Seminole County, relating to and touching and concerning the following described property:

Lots 4 and 5, Bonaventure Heights, Plat Book 14, Page 91, Public Records of Seminole County.

[The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property and the County has relied upon the validity and accuracy of the legal description.]

(A). FINDINGS OF FACT

Property Owners: (Lot 4) Ernest J. Hesse, Sr., Trustee
(Lot 5) Eden Park Village, Inc.

Project Name: The Family Living Center Adult Congregate Living Facility (ACLF)

Requested

Development Approval: Special exception for two (2) residences being connected with a breezeway operating as an ACLF.

(1) The development approval sought is consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan and shall be developed consistent with and in compliance to all applicable land development regulations and all other applicable laws, rules, regulations and ordinances.

(2) The development sought for approval was the subject of litigation between Eden Park Village, Inc. and the County which was ultimately resolved in accordance with the provisions of Chapter 164, Florida Statutes, with the parties bearing their owner costs, fees and expenses.

(3) The owners of the property have voluntarily and expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

(B). CONCLUSIONS OF LAW

(1) This development approval is consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan.

(2) This development sought for approval shall be developed consistent with and in compliance to all applicable land development regulations and all other applicable laws, rules, regulations and ordinances.

(3) The owners of the property have voluntarily and expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:
Lonnie N. Groot, Deputy County Attorney
1101 E. First Street
Sanford, Florida 32771

RETURN TO SANDY WALL

OFFICIAL RECORDS
BOOK PAGE
3639 0077
SEMINOLE CO. FL

(C). ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with any and all of the codes and ordinances in effect in Seminole County at the time of issuance of permits.

(3) The additional conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owners of the property, are as follows:

(a) Combined maximum total of residents residing at Lot 4 and 5, Bonaventure Heights, would be twenty-one (21). Lot 4 shall not exceed a total of thirteen (13) residents.

(b) No expansion of either the house located on Lot 4 or the house located on Lot 5 is approved, but a breezeway may be constructed between and connecting the two (2) houses.

(c) The two (2) homes shall be owned and operated as a single ACLF.

(d) Compliance with all applicable Federal and State laws relative to ACLFs.

(e) The ACLF shall continue to have the appearance of single family residences in order to protect the character of the area.

(f) The ACLF shall be used to accommodate elderly citizens and not individuals with mental disorders, or substance or alcohol abuse problems.

(g) The conditions in effect on the ACLF approval relating to Lot 4 shall continue in full force and effect.

(h) All litigation pending at the time this Development Order is issued shall be dismissed. The owners recognize and stipulate to the fact that the County could have held a second public hearing in this matter.

(4) Notwithstanding the specific enumeration of any specific Land Development Code of Seminole County requirements in the prior subsection, the subject development shall comply with any and all requirements of the Land Development Code applicable to the development.

(5) This Development Order touches and concerns the afore-described property and all the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by the official action of Seminole County by virtue of a formal document of equal dignity herewith. The owners of the said property have expressly covenanted and agreed to this provision and with all other terms, conditions and provisions of this Development Order which will be recorded in the Public Land Records of Seminole County.

(6) Any person reviewing this Development Order may find it beneficial, desirable or necessary to review the matters relating to the subject development in order to evaluate whether concurrency

OFFICIAL RECORDS
BOOK 39 PAGE 0078
SEMINOLE COUNTY, FLORIDA

has been determined or whether public facilities are available to serve the subject development.

(7) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire Order shall be null and void.

DONE AND ORDERED on the date first above.

As approved and authorized
for execution by the Board of
County Commissioners at their
regular meeting of February 24, 1998

BY: James E. Chandler
APPROVING AUTHORITY
FRANCES CHANDLER, DIRECTOR
PLANNING & DEVELOPMENT

COVENANT, CONSENT AND AGREEMENT OF
PROPERTY OWNERS

ERNEST J. HESSE, SR., the undersigned, represent that I have the lawful right and authority to enter this Development Order and burden and encumber the subject property with the terms and conditions set forth herein. I represent that all approvals and consents to this Development Order have been obtained. I agree to the terms and conditions of this Development Order and execute same and voluntarily make the agreements, covenants, etc., set forth herein, in order to induce Seminole County to grant the development approval set forth herein.

WITNESSES:

Kimberley James
Print Name KIMBERLEY JAMES

EDEN PARK VILLAGE, INC.
By: Ernest J. Hesse, Sr.
ERNEST J. HESSE, SR.,
President/Secretary/Treasurer
(Sole Officer)

Mary E. Decker
Print Name MARY E. DECKER

Date: 5/01/98

WITNESSES:

Kimberley James
Print Name KIMBERLEY JAMES

By: Ernest J. Hesse, Sr. Trustee
ERNEST J. HESSE, SR.

Mary E. Decker
Print Name MARY E. DECKER

Date: 5/01/98

WITNESSES:

Kimberley James
Print Name KIMBERLEY JAMES

By: Ernest J. Hesse, Sr.
ERNEST J. HESSE, SR.,
Individually

Mary E. Decker
Print Name MARY E. DECKER

Date: 5/01/98

AGREED TO AS ABOVE STATED.

Clay D. Simmons
CLAY D. SIMMONS, Esquire
Stenstrom, McIntosh, Colbert,
Whigham & Simmons, P.A.
P. O. Box 4848
Sanford, FL 32772-4848
(407) 322-2171
Attorney for Plaintiff

OFFICIAL RECORDS
BOOK 1
PAGE 0079
SEMINOLE COUNTY
FLORIDA